

1 IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT

2 ST. CLAIR COUNTY, ILLINOIS

3

PEOPLE OF THE STATE OF ILLINOIS,)

4

VS)

CAUSE NO: 12-CF-1826

5

ANTHONY MOORE, JR.,)

6

Defendant.)

7

8

REPORT OF PROCEEDINGS

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Before the HONORABLE JOHN BARICEVIC, Chief Circuit Judge

10

JURY TRIAL

11

12

(July 23, 2013)

13

VOLUME 1B

14

(P.M. Session)

15

16

APPEARANCES:

17

MS. JUDITH DALAN, Assistant State's Attorney, and

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MS. DEBORAH PHILLIPS, Assistant State's Attorney,
On Behalf of the People of the State of Illinois;
and

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MR. PATRICK SULLIVAN, Assistant Public Defender,
On Behalf of Defendant.

21

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LINDA S. DENNIS, C.S.R.
Official Court Reporter
C.S.R. License No. 084-002848

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- 9 [REDACTED] do you know a lady named Victoria Walker?
- 10 A Yes, I do.
- 11 Q How long have you known her?
- 12 A For about three to four years.
- 13 Q How did you meet her?
- 14 A Anthony Moore.
- 15 Q And is she older than you, the same age, or younger
- 16 than you?
- 17 A Older than me.
- 18 Q How much older is she?
- 19 A A couple of years.
- 20 Q Okay. You're sixteen now?
- 21 A Uh-huh.
- 22 Q Do you know how much -- Is she over twenty-one?
- 23 A I think she's about twenty-three or twenty-four.
- 24 Q Okay. And you met her through Anthony?

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- 1 A Uh-huh.
- 2 Q I'm going to ask you what -- what Anthony's last
- 3 name is that you're referring to.
- 4 A Moore.
- 5 Q And how long have you known Anthony Moore?
- 6 A I know him for a long time.
- 7 Q And when you say a long time, is it more than
- 8 Victoria Walker's number of years?
- 9 A Uh-huh.
- 10 Q The whole of your life? Or less than that?
- 11 A Not the whole of my life, but his grandmother lived
- 12 nextdoor to me, and then we kind of sort of like grew up
- 13 together.
- 14 Q Okay. So, his grandma lives next to your grandma?
- 15 A Uh-huh.
- 16 Q Okay. Do you remember being six or eight and
- 17 knowing Anthony Moore?
- 18 A The youngest I remember knowing him, I was about
- 19 maybe twelve or thirteen.
- 20 Q Do you see Anthony Moore in this room?
- 21 A Yes, I do.
- 22 Q Can you point to him and describe the clothing he's
- 23 wearing?
- 24 (The witness pointed to the defendant.)

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1 Q (Ms. Dalan) What kind of clothes is he wearing?
 2 A He got on a white-collared shirt.
 3 MS. DALAN: Your Honor, would the record reflect
 4 this witness has identified the defendant?
 5 THE COURT: The record will reflect the
 6 identification of Mr. Moore by this witness.
 7 MS. DALAN: Thank you.
 8 Q (Ms. Dalan) Is Anthony Moore a friend, a
 9 boyfriend? How would you describe your relationship with
 10 him?
 11 A He was a friend, but he's nothing to me now.
 12 Q And was he ever a boyfriend?
 13 A No.
 14 Q Tell us about Victoria Walker. Was she a friend, a
 15 girlfriend? How would you describe your relationship with
 16 her?
 17 A A friend, a girlfriend, somewhat both.
 18 Q Okay. And she's not anything to you any more
 19 either?
 20 A (indicated no)
 21 Q When you say girlfriend, is that a friend that's a
 22 girl or is that like a romantic relationship girlfriend?
 23 A It was a romantic relationship.
 24 Q When did that start?

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1 A Maybe about a year to a year and a half after I met
 2 her.
 3 Q Okay. And when you were in that relationship with
 4 Victoria, was Victoria in a relationship with Anthony?
 5 A Back and forth.
 6 Q Okay. Do they have children together?
 7 A One.
 8 Q They have one child. And how old is that child?
 9 A I think he just turned two.
 10 Q So, you -- Did you have a back and forth
 11 relationship with Victoria also?
 12 A Somewhat.
 13 Q I'm going to ask you to remember last
 14 year, near the end of the year, about a week before
 15 Christmas. Do you remember being with Victoria and being
 16 with Anthony and going over to Victoria's house?
 17 A Yes, I do.
 18 Q Do you remember it being a few days before
 19 Christmas?
 20 A Yes, I do.
 21 Q What was the reason that you went over to the
 22 house?
 23 A To get my hair done.
 24 Q And who was going to do your hair?

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1 A Victoria.
 2 Q Where does Victoria live?
 3 A She stayed in East St. Louis. I don't know the
 4 address by heart, but I know it was off of 13th and St.
 5 Clair.
 6 Q In that time frame when you went over there -- And
 7 do you remember the day? Do you remember it being the 17th,
 8 18th, 19th?
 9 A I don't remember the day, but I know it was -- it
 10 was before the 21st. That's all I remember.
 11 Q Okay. Do you remember it because you had been in
 12 the detention center before that?
 13 A Yes, I do.
 14 Q Okay. Let's talk a little bit about that. You've
 15 been in juvenile court before?
 16 A Uh-huh.
 17 Q And what kind of charges have you had?
 18 A Battery. And, basically, I go -- I went to court
 19 because I got a battery charge and I missed court, and they
 20 gave me a warrant. Then they got me. Then they gave me
 21 another court date. But when they gave me the second court
 22 date, that was around the time that I had got shot. And when
 23 I got out the hospital, I was supposed to go back to get my
 24 stitches removed the same time I was supposed to be at court.

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1 So, I went to get my stitches removed instead of going to
 2 court, and I had let Lieutenant Dennis Plew know, but he
 3 forgot to call me back, and they gave me another warrant.
 4 But now like everything is cleared up.
 5 Q Well, let's talk about that. You had a warrant
 6 because you didn't go to court on that?
 7 A On the battery charge.
 8 Q Okay. Besides that, did you have any other charges
 9 in juvenile court?
 10 A Not that I'm sure of.
 11 Q Not that you're sure of?
 12 A (indicated no)
 13 Q Okay. So, you were in the detention center, but
 14 that was for just not showing up to court --
 15 A Uh-huh.
 16 Q -- on that? Okay.
 17 And then you got out. And how soon after you got
 18 out were you with Anthony and Victoria for her to do your
 19 hair?
 20 A The next day.
 21 Q Okay. And were you -- How did you get over to her
 22 house?
 23 A They came and picked me up.
 24 Q And in what vehicle?

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1 A In her red mini van.

2 Q Can you kind of describe that mini van for us?

3 A On the right side, the second window to the back,
4 it was busted out, but it had like a clear window with tape
5 up to it. It had a Betty Boop sticker on the back. I think
6 it was the right back tail light was busted out, if I'm not
7 mistaken. She had a Betty Boop steering wheel cover. And it
8 was already -- the car seat was in the back seat on the left
9 side.

10 Q Okay. So, is that van -- does that belong to
11 Victoria?

12 A Uh-huh.

13 Q And do you call her Vicki or Victoria?

14 A I call her Vicki (sp).

15 Q Okay.

16 Was she driving?

17 A Uh-huh.

18 Q Did she pick you up at your grandma's or someplace
19 else?

20 A She picked me up from my grandma house.

21 Q And was Anthony in the car also?

22 A Uh-huh.

23 Q And as you drove over to East St. Louis to have
24 your hair done, did you stop anywhere on the way?

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1 A We stopped at Best Stop.

2 Q What kind of store is that?

3 A That's like a liquor store. It's up the street
4 from my house.

5 Q What road is it on, do you know?

6 A It's right off of Camp Jackson, on Louise.

7 Q Did anything unusual happen when you were at Best
8 Stop?

9 A We pulled up at Best Stop, and Vicki went in to get
10 my hair glue. And we was parking, a UPS truck was pulling
11 up, and Anthony and his cousin was like, "Round two."
12 Then as we left Best Stop and got on the highway,
13 as we was on the highway, Anthony seen a Fed Ex truck and was
14 like, "That's the truck I really want. That's the truck I
15 want." Then Victoria was like talking to him and his cousin,
16 she was like, "You all talking too much. There's too many
17 witnesses around."

18 Then we got to her house. Then that's when I sat
19 down in the living room. Then she called me into her room to
20 pick out the kind of hair that I wanted. And when I was
21 picking out the hair, I seen like a lot of beauty supply
22 items and just like -- just different stuff.

23 Q Okay. Let me stop you for a second there because
24 you were kind of going -- going along.

1 So, Victoria is inside Best Stop?

2 A Uh-huh.

3 Q And there's a UPS truck somewhere where you guys
4 could see it?

5 A It pulled up right on the -- parked right on the
6 side of there.

7 Q And you heard Anthony Moore say, "Round two"?

8 A Uh-huh.

9 Q Did you know what he was talking about?

10 A I didn't at first. At first, I didn't. But as we
11 was steady riding and getting closer to Victoria's house, I
12 was steady kind of like putting things together.

13 And then when we got to her house, I started seeing
14 boxes and a lot of stuff. That's when I put it together.

15 Q And what was it you were putting together in your
16 mind?

17 A That --

18 Q What were you --

19 A That they did something, but I didn't know that it
20 was a UPS truck.

21 Then a couple of hours after we -- well, after
22 Victoria did my hair and she left for work, somebody had
23 called Anthony's phone and said something about the Feds was
24 riding around in the back of the UPS truck. And then Anthony

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1 was like it's probably just to see -- they probably just
2 doing it to see if we was going to do it again, or whatever.

3 Q Okay. So, you heard him make that last comment,
4 --

5 A Right.

6 Q -- trying to see if we're going to do it again?

7 A Uh-huh.

8 Q Okay. But when you say that someone told him the
9 Feds, -- like they were hiding in the truck?

10 A Like they was riding in the back of the truck.

11 Q Okay. Had you been aware before that that there
12 had been a robbery of a UPS truck?

13 A No.

14 Q When did you --

15 A Not until later on that day when I seened it on the
16 news.

17 Q Okay. Tell us about you go to the house and when
18 you go in the house, you see stuff in boxes you said?

19 A I seen boxes, and then when she called me into her
20 room to pick out the hair I wanted, in her top drawer was
21 hair, eyelashes and hair glue. The second drawer, it was
22 like jewelry, and it was like -- And behind the couch, they
23 had boots, hats. And before Victoria left to go to work, she
24 was hiding something. And then Anthony was like, "What you

1 hiding it for? If I want to sell it, it just let me sell

2 it," or whatever.

3 Q Would you say this stuff that you saw in the house,

4 It was more than you would have seen like before the 17th?

5 A It was like she had a lot of hair, hair glue, eye
6 lashes, and like the little necklace, bracelets and earring
7 sets.

8 And when I went in the kitchen, I seened--- the top
9 box, I seen goggles in the bottom. I don't know what was in
10 the rest of the boxes, under the top box. And they had like
11 hats, like female boots that you get from beauty supply
12 store, stuff like that.

13 Q What kind of hair was it that you saw?

14 A Nubian.

15 Q Nubian hair?

16 A Hundred dollar hair, and she was selling it for
17 five dollars a pack.

18 Q You know it to be worth that kind of money,
19 hundred dollar hair?

20 A Yeah.

21 Q She was selling it to you for five dollars?

22 A She was -- She told me she was selling it for five
23 dollars a pack. Anyway, and I got ten dollars from my
24 grandma to get two packs.

1 Q Had you seen that stuff in the house before the
2 17th, before you went into detention?

3 A (indicated no)

4 Q No?

5 A No.

6 Q Okay. When you say boxes, were these like shipping
7 boxes or other kinds of boxes?

8 A Just brown boxes.

9 Q Like you'd see in --

10 A A UPS truck.

11 Q -- the big trucks, stuff in the boxes?

12 A Uh-huh.

13 Q And so, Victoria was trying to hide the stuff?

14 A She was -- I guess the stuff that she wanted to
15 keep herself, I guess she was trying to put it up, and he saw
16 her and said, "What are you hiding it for? If I want to sell
17 it, just let me sell it." And she was like, "This is mine,
18 that's you all's," you know.

19 Q Did you actually end up buying the -- the hair?

20 A Uh-huh.

21 Q And you got ten dollars from your grandma?

22 A Uh-huh.

23 Q So you bought two?

24 A Yep.

1 Q Okay.

2 How long do you think you were at the house when
3 you -- when that happened?

4 A Maybe about, say like 7:30, 8:00 that evening.

5 Q And that was the next day after you got out of the
6 detention center?

7 A Uh-huh.

8 Q So you bought a hairpiece?

9 A Uh-huh.

10 Q And you took it home with you, and you bought one
11 for your grandma as well?

12 A No, I bought -- I gave her ten dollars. I got two
13 bags. And she did my hair the same day I went over to her
14 house.

15 Then I left around 7:30, 8:00 that night.

16 Then the next day, she called me and said that she
17 get off of work -- I don't remember what time she said, but
18 she was going to come and smoke with me. And when she --
19 she came around, if I'm not mistaken, around 2:00 or 2:30
20 that -- the next morning and she was knocking on my window,
21 kept knocking, and then that's when I got up. And when we
22 went outside, her van was parked in his grandma's driveway,
23 and I asked her why she parked over there. She said she
24 didn't know. And I let that go. And then when I got in the

1 van, I said, "Where is Ty?" "Oh, he don't want to be riding
2 around with me because it's dark, he got a warrant and my
3 tail light's busted out."

4 Okay, so then she say we was going to her mama
5 house. And the first time we rode through the viaduct, I did
6 not see nobody nowhere to be found. Then she turned around
7 through the little neighborhood and came back, and that's
8 when he was standing right there.

9 Q Okay, let's go back just a little bit.

10 You knew she was going to come over to your house?

11 A She called me and said she was going to come smoke
12 with me, uh-huh.

13 Q Did you have an idea about the time frame?

14 A But I didn't expect her to come that late.

15 Q Okay. Did you fall asleep before she came?

16 A Yes, I did.

17 Q And how did you know she was there?

18 A Because I woke up. And the first -- the first time
19 she tapped, then I guess as I wouldn't answer, she had
20 knocked a little harder so I could hear her. And that's when
21 I got up.

22 Q Do you share your bedroom with anybody else?

23 A No, I don't.

24 Q Who else was in the house when that tapping on the

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1 window happened?

2 A My youngest brother, my uncle, me, and my grandma.

3 Q Was everybody else asleep, or do you know?

4 A They were asleep, uh-huh.

5 Q And then did you leave the house after she tapped?

6 A Yes, I did.

7 Q Did go out the front door or some other way?

8 A I went out my window.

9 Q How big is that window?

10 A Like -- Like a normal size bedroom window.

11 Q You could easily get out of it?

12 A Uh-huh.

13 Q And why did you not go out the door?

14 A Because I didn't want to wake my grandma or my

15 uncle up.

16 Q Okay. And maybe because you weren't supposed to

17 go?

18 A Right.

19 Q Okay.

20 When she tapped on the window, you didn't see

21 Anthony?

22 A Nope.

23 Q Did you expect to see Anthony?

24 A Nope.

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1 Q And what was the reason she was going to pick you

2 up?

3 A So we could smoke and she could show me the rest of

4 the stuff that they had, so --

5 Q What were you planning to smoke?

6 A Some marijuana.

7 Q Okay. So you got out of the window?

8 A Uh-huh.

9 Q And were you all the way out of the window before

10 you saw that the van was parked in Anthony's grandma's

11 driveway?

12 A I was all the way out the window and all the way

13 out my back yard.

14 Q When you got in the van, Anthony wasn't in the van?

15 A No.

16 Q Were you planning to go to her house to smoke or

17 just around the area?

18 A To her mama's house.

19 Q And where's that?

20 A On Doris, the same street that I got shot on.

21 Q Okay, which is kind of in the area of your

22 grandma's house?

23 A Right.

24 Q And it's in Cahokia?

1 A Uh-huh.

2 Q Okay. So, when you got in the van with Victoria,

3 what seat did you sit in?

4 A I slid in on the passenger side.

5 Q In the front?

6 A Uh-huh.

7 Q Does this van have a sliding door?

8 A The back -- the back doors do.

9 Q Okay.

10 A But not the driver door and the passenger door.

11 Q Did Victoria get in the front driver's seat?

12 A Uh-huh.

13 Q And did you start to drive -- or did she start to

14 drive towards Doris?

15 A She left off of my street and she drove down -- all

16 the way down to Sandy Ridge; and then when she left off Sandy

17 Ridge, she turned on Doris.

18 Q Okay. And after she turned on Doris, where did she

19 go?

20 A We went under the viaduct, and we went -- she said

21 something, and then she turned around through a little

22 neighborhood and she came back out. And then we -- as we

23 started going back towards the viaduct, I seen somebody

24 standing there, but I didn't know it was him. And as we got

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1 closer, when the light hit him, it was him and -- and then

2 that's when she stopped. She didn't say nothing.

3 Q Let me stop -- stop you for a second there,

4 [REDACTED]

5 Now, you're talking about a viaduct. Is that like

6 where there's a highway above?

7 A Uh-huh.

8 Q Okay. And so, you and Jas- -- you and Vicki in

9 the van went underneath the viaduct and you didn't see

10 anybody?

11 A That was the first time.

12 Q The first time you went under?

13 A Uh-huh.

14 Q Okay. And then what subdivision did she go in, or

15 what neighborhood?

16 A It's not actually -- It's not the name of the

17 neighborhood, but it's like if you go under the viaduct and

18 then the first left that you can make, you ride through there

19 and you go all the way down, then you come -- and if you make

20 a right, you'll be right back out. And then that's what she

21 did, and we went back towards the viaduct. I seen somebody,

22 but I didn't know it was him. And as we got closer, it was

23 him.

24 Q Okay. So, you said that when she went under the

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1 viaduct the first time, she said something but you don't know
 2 what?
 3 A No, she didn't say nothing at all. I'm talking
 4 about the second time when we was going back toward the
 5 viaduct, she didn't say nothing.
 6 Then I said -- I said to her, I say, "What is you
 7 all on?" That was when he was opening up the passenger door.
 8 But she didn't say nothing. She just lit a cigarette. And
 9 then that's when Anthony was like, "You running around here
 10 snitching, B. I'm fitt'n to kill you."
 11 Q Okay, let me go back just a little bit.
 12 You've turned around after going under the viaduct
 13 once?
 14 A Uh-huh.
 15 Q You're going back under the viaduct a second time?
 16 A Right.
 17 Q At what point did you see Anthony?
 18 A As we turned -- like as we turned back toward the
 19 viaduct, like -- do you know, it's like you turn and your
 20 headlights on and it flash on something as you turn. So as
 21 we turned back on the street, somebody was standing there.
 22 The lights hit his -- his pants, or whatever he had on, but I
 23 didn't know it was him until we got closer. Then she
 24 stopped.

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1 Q So, but the physical movement of the van made the
 2 lights turn towards something --
 3 A Right.
 4 Q -- or someone?
 5 A Uh-huh.
 6 Q And you saw a person?
 7 A Right.
 8 Q But you didn't realize it was Anthony at first?
 9 A Right.
 10 Q Okay. And then how close were you to Anthony when
 11 you realized who it was?
 12 A We was right there when she had stopped.
 13 Q Were you expecting to see him?
 14 A No, I wasn't.
 15 Q And so, you asked her, "What are you guys on?"
 16 A Uh-huh.
 17 Q Like are you high or something? Is that --
 18 A No, like what is you all planning to do? Is you
 19 all setting me up, or what's going on, like that.
 20 Q And she didn't say anything?
 21 A She didn't say nothing. She reached in her purse
 22 and lit a cigarette.
 23 Q So, she stopped the van?
 24 A Uh-huh.

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1 Q How close to Anthony did she stop the van?
 2 A This is the sidewalk, this is Anthony, and this is
 3 the van (indicating).
 4 Q Okay. Where I am from you, was it that far away?
 5 A It was closer.
 6 Q Closer. Can I start walking towards you?
 7 A Uh-huh.
 8 (Ms. Dalan approached the witness stand.)
 9 Q (Ms. Dalan) Was the van -- like the front edge of
 10 the van, like --
 11 A No, like she was parked. She just stopped. And he
 12 was standing right here.
 13 Q On the side?
 14 A Uh-huh. On the sidewalk. And she just stopped.
 15 Q Did she pull onto the shoulder or just stay in the
 16 lane?
 17 A She -- She pulled over a little bit but not all
 18 the way.
 19 Q When she pulled over and stopped, what did you do?
 20 A I opened the door to get in the back. And no --
 21 no, I didn't open the door. I climbed over the seat and got
 22 in the back; and when I got in the back, that's when he
 23 opened the back door. And I'm like, "What are you doing?"
 24 And then he was like, "I'm getting in the back." Then I got

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1 back in the front. And when I got back in the front, he got
 2 out the back. And he started like grabbing my shirt, trying
 3 to throw me down in the ditch, but I was holding on to the
 4 van. Then he finally pulled me hard enough to where I had to
 5 let go, then he pushed me down in the ditch.
 6 Q Now, when you say you went from the front to the
 7 back and back to the front -- Are these bucket seats in the
 8 front seat of the van? Do you know what I mean by bucket
 9 seats? There's a spot -- an opening between the driver's and
 10 the passenger seat.
 11 A Oh, uh-huh.
 12 Q Yes, there was?
 13 A (indicated yes)
 14 Q Okay. So, you go back to the back, he's goes to
 15 the back?
 16 A I crawled over the front to get to the back, he
 17 opened the back door, "I'm getting in the back." I climbed
 18 back to the front, he opened the front door.
 19 Q And all this time, what's Victoria doing or saying?
 20 A Just sitting there looking.
 21 Q You say anything back to him?
 22 A (indicated no)
 23 Q No?
 24 A First, I said, "You ain't going to do shit to me."

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1 That's what I said.

2 Q Was that before he threatened you?

3 A That was -- No, it was after he threatened me and

4 started snatching on me.

5 Q Now, tell us those words he used.

6 A Before he grabbed me?

7 Q Yes.

8 A "I heard you running around here snitching, so,

9 bitch, I'm fitt'n to kill you."

10 Q And then you said, "You're not doing shit to me"?

11 A "You're not going to do nothing to me." And that's

12 when he snatched me, and I had to let go. And I fell in the

13 ditch.

14 Q What part of the van were you hanging on to try to

15 stay --

16 A Like the -- Okay, if you open the front door and

17 you open the back door, it's like a little -- whatever it's

18 called, and I was holding on to that.

19 Q The metal part when both doors are open that's

20 still there?

21 A Uh-huh.

22 Q Part of the van, okay. And then he snatched you

23 out?

24 A Uh-huh.

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1 Q Okay. And then when he snatched you out, did you

2 land on your feet?

3 A No, when I -- when he snatched me out, I was still

4 standing, but then he like pushed, and that's when I fell in

5 the ditch.

6 Q What part of your body did he push against?

7 A My back.

8 Q And still you're not saying anything at that point?

9 A (Indicated no)

10 Q No?

11 A (indicated no)

12 Q You need to say yes or no --

13 A No.

14 Q -- Instead of head nods so that nice lady can write

15 down everything you're saying.

16 He shoved you all the way into the ditch?

17 A Yes.

18 Q Are you still saying -- not saying anything at that

19 point?

20 A I wasn't saying anything then.

21 Q When he shoved you into the ditch, did you land or

22 were you still on your feet?

23 A I landed on my knees, then I got up.

24 Q And then what happened after that?

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1 A Then that's when I heard the first gunshot, and it

2 didn't touch me. The second one was my back. The third one

3 was my head. Then that's when I just fell, like he must be

4 trying to kill me for real, and I just fell. And I laid

5 there. Then I heard Victoria saying, "Come on, Ty, she dead.

6 That B dead." But he was still standing over me with gun

7 like he was going to shoot again, because I was watching him

8 the whole time, but --

9 Q Did you see the gun?

10 A I did. Yes, I did.

11 Q At what point did you first see the gun?

12 A When I fell and I just laid there.

13 Q Were you looking up at him?

14 A I was peeking, yes, I was.

15 Q Okay. So, the first shot, you didn't feel

16 anything?

17 A (Indicated no)

18 Q Are you still on your knees?

19 A No, I was standing up then.

20 Q How far down is this ditch? Is it several feet?

21 A It was deep, but it -- I wasn't that deep because

22 there was bricks and sticks and water in the ditch. So, I

23 wasn't that deep.

24 Q And can you tell this jury how far away he was from

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1 you when the first shot rang out?

2 A He was standing on the sidewalk the whole time.

3 So --

4 Q Was he eight feet from you? Was he ten feet?

5 A So, this is the sidewalk and this is the ditch

6 (indicating with her hands). And he was standing right above

7 me the whole time.

8 Q Was he closer than you and me?

9 A Uh-huh. Yes, he was.

10 Q Let's go up further (moving closer to witness

11 stand)? Is he about this close or --

12 A Closer than that.

13 Q How about this close?

14 A Still closer.

15 Q Okay, this close?

16 A About right here (indicating).

17 Q Okay. Right here?

18 A Yeah.

19 Q But you're down lower?

20 A And I was -- yeah, I was down.

21 Q Okay.

22 MS. DALAN: And for the record, Your Honor,

23 approximately four feet? Would that be fair?

24 THE COURT: Okay. The record will reflect that's

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1 about right, I guess.

2 MS. DALAN: Thank you.

3 Q (Ms. Dalan) After the first shot, did he say
4 anything?

5 A (indicated no)

6 Q Could you tell if Victoria was still in the van?

7 A She never moved.

8 Q From the van?

9 A She never moved from the van. She never moved the
10 van.

11 Q So, you're standing after the first shot, and then
12 you hear the second shot?

13 A No, the first shot had missed me.

14 Q Right.

15 A The second shot was my back.

16 Q When the second shot rang out, [REDACTED] were you
17 still standing right before it hit you?

18 A Yes. Yes, I was.

19 Q Okay.

20 A And then after I got hit in my back, that's when he
21 shot again and hit my head. And that's when I just
22 completely dropped. And I just laid there and looked at him.

23 Q So, you got shot in the back and in the head,
24 right?

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1 A Right.

2 Q Which one came first, the head or the back?

3 A The back.

4 Q And when you got shot in the back, did you fall
5 down?

6 A I did, but -- Well, I didn't fall all the way down,
7 but like I jerked somewhat. But I didn't fall all the way
8 down.

9 Q And then you think you got shot in the head after
10 that?

11 A After that. When he hit me in my head, that's when
12 I fell all the way down.

13 Q Do you remember it being the other way around, ever
14 telling the police that?

15 A I'm not sure.

16 Q Okay.

17 Tell us about when you got shot in the head. Did
18 you feel it? Or, did you hear it?

19 A I -- mostly, I heard it. My ears was ringing real
20 loud, and I seen blue and yellow stars. I didn't really feel
21 it, but -- my ears was ringing real loud.

22 Q Okay. So, you -- At that point, do you think
23 you've been shot in the head? Or, you don't know?

24 A I knew. I knew.

1 Q So, you're laying down now after the third shot?

2 A Right.

3 Q And do you try to get up after that?

4 A No, I didn't try to get up. I stayed there until
5 he -- until Vicki said, "She dead, Ty. That B dead." He got
6 in the van, and they pulled off and left. And I crawled up
7 out of the ditch. I looked around, didn't see nobody. Then
8 that's when I got up.

9 Q Did you -- Did you hear the van drive away?

10 A Uh-huh. I saw it.

11 Q You saw it drive away also?

12 A Uh-huh.

13 Q Now, tell us why you didn't try to get up after the
14 third shot, at first.

15 A Because I didn't know if he was going to keep
16 shooting or not.

17 Q Were you playing dead?

18 A Yes, I was.

19 Q Can you tell us, if you remember, how much time
20 went by between -- how much time passed between him initially
21 shoving you in the ditch and you seeing them drive off?

22 A The longest it took was about ten minutes, ten to
23 fifteen minutes.

24 Q No -- No longer than that?

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1 A No longer.

2 Q Did you see any other cars going by?

3 A I didn't see no cars. I didn't see nobody.

4 Q And what time about -- About what time would this
5 be when this was happening?

6 A Around -- She came to my house at 2:30. So, it
7 had to be around two -- 2:45. Yeah 2:45ish.

8 Q What direction did the van go when it left?

9 A It kept straight. It went straight off of Doris.

10 Q What did that gun look like?

11 A Like -- Like a cowboy's -- you know, like a -- it
12 had the little circle thing in the middle.

13 Q Like a revolver?

14 A Yeah.

15 Q What color was it, if you know?

16 A It was brown and silver.

17 Q And you saw it first that night when you were --

18 A He pulled it.

19 Q Did you see it more than one time that night?

20 A I seened it while he was shooting at me. And when
21 he shot me in my head and I fell, he was still holding the
22 gun towards me. But I think Vicki stopped him when she said,
23 "She dead, Ty. Come on. She dead."

24 Q What did you do after you got up and ran? Where

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1 did you go?

2 A I ran home.

3 Q To your grandma's?

4 A Uh-huh.

5 Q Do you know how long it took to run home?

6 A About five minutes.

7 Q When you got to your grandma's, what did you do?

8 A I was beating on my front door, telling them to

9 open the door, I'm shot. But they didn't hear me. So, I

10 went back to my window. I jumped through my window. And

11 I -- First, I went and grabbed the phone and called the

12 ambulance, and I was telling her that I got shot, and she was

13 telling me to put the towel wherever the blood was coming

14 from. But I couldn't do it myself, so I went in my grandma

15 room, and I was -- kept saying, "Grandma, Grandma." She

16 wouldn't get up. When I said, "Ty shot me," she popped up.

17 Almost gave her a heart attack. And I was trying to ask her

18 to put the blood -- I mean the towel wherever the blood was

19 coming from. And she said I don't see no blood, you're not

20 bleeding. And that's when the police and the ambulance got

21 there.

22 Q Does your mom -- or your grandma sleep with any

23 like equipment for her health?

24 A A breathing machine.

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1 Q Did she have it on that night?

2 A Yeah.

3 Q Okay. And then the hospital -- the ambulance came

4 and got you?

5 A Uh-huh.

6 Q Yes?

7 A (Indicated yes)

8 Q Do you remember a policeman named Dave Landmann

9 coming to your house?

10 A I don't remember none of their names.

11 Q Okay. Do you remember --

12 A If I see their faces, I remember them.

13 Q Did a policeman come to your house before you went

14 to the hospital?

15 A Uh-huh.

16 Q And you talked to him?

17 A And I told them that I had got shot by Anthony

18 Moore and picked up by Victoria Walker.

19 Q You didn't see a gun in Victoria's hands, correct?

20 A Never.

21 Q Okay.

22 What hospital did you go to?

23 A To [REDACTED]

24 Q Did they take you straight there in the ambulance?

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1 A Uh-huh.

2 Q And that's the [REDACTED] in St. Louis?

3 A Yes.

4 Q How long were you there?

5 A I think three days, but it might have been four.

6 Q Do you remember being awake in the -- in the

7 ambulance?

8 A I do for the first like ten or fifteen minutes of

9 the ride.

10 Q Do you think you fell asleep after that?

11 A I do.

12 Q What's the next thing you remember after falling

13 asleep in the ambulance?

14 A Being at the hospital. I kept asking them could I

15 see my grandma.

16 Q Did your grandma come to your room?

17 A She came. They said that she wasn't able to come

18 in at first. But after I had surgery and all that, then I

19 got to see her.

20 Q Tell us about your surgery [REDACTED] What -- What

21 did they do?

22 A They put a chest tube in my side because my lungs

23 collapsed. And it was blood leaking on my -- I forgot

24 what -- I forgot everything that they said. They said when

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1 the bullet hit my skull, that it broke up into fragments.

2 They had me on morphine. And that's about it.

3 Q What about the bullet in the back, is it still

4 there?

5 A Yes.

6 Q And are the fragments still there in your head?

7 A Yes.

8 Q Now, when this happened, did you actually have a

9 hairpiece on your head?

10 A Yes, I did.

11 Q And did they take that off while they were trying

12 to find the fragments?

13 A No, actually, I took the hair out myself.

14 Q Did you put it somewhere in the hospital room?

15 A I threw it in the trash can.

16 Q Is there still a scar where they put the tube in

17 for your lung?

18 A Yes, it is.

19 Q And can you still see where the bullet is in your

20 back?

21 A Yes, you can.

22 MS. DALAN: Your Honor, with the Court's

23 permission, I would like her to raise just the back of her

24 shirt to show that to the jury.

1 THE COURT: Mr. Sullivan?
 2 MR. SULLIVAN: No objection.
 3 THE COURT: Proceed.
 4 MS. DALAN: Thank you.
 5 THE COURT: Ma'am, stand up, watch your step,
 6 please, and walk next to Ms. Dalan.
 7 (The witness stepped down from witness stand in
 8 front of the jury box.)
 9 Q (Ms. Dalan) If you can lift the back of your shirt
 10 up. And are you able to touch the area where the bullet is?
 11 (The witness indicated on her back.)
 12 Q Right there where you're touching?
 13 A Uh-huh.
 14 Q Okay.
 15 MS. DALAN: Can everyone see that?
 16 (Jurors indicated affirmatively.)
 17 Q (Ms. Dalan) Okay, thank you.
 18 (The witness retook the witness stand.)
 19 Q (Ms. Dalan) Can you point to the area on your head
 20 where you were shot?
 21 A Right about up in here (indicating).
 22 Q Kind of like behind the crown but not all the way
 23 down the back?
 24 A Right here (indicating).

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1 Q Can you still feel something there?
 2 A (indicated no)
 3 Q No?
 4 A No.
 5 Q Okay. Did you remember leaving something behind in
 6 that ditch before you ran?
 7 A My shoe.
 8 Q When did you realize the shoe was left behind?
 9 A After I got home.
 10 THE COURT: Ms. Dalan, --
 11 MS. DALAN: Yes, Your Honor.
 12 THE COURT: In the next ten minutes or so, we'll
 13 take a break wherever you feel it's appropriate. Okay?
 14 MS. DALAN: I appreciate that, Your Honor. Thank
 15 you.
 16 (Ms. Dalan showed exhibit to Mr. Sullivan at
 17 counsel table.)
 18 MS. DALAN: If I could approach the witness, Your
 19 Honor?
 20 THE COURT: Yes.
 21 Q (Ms. Dalan) [REDACTED] this is People's Exhibit No.
 22 2. It's a brown paper bag. And I'm going to ask you to look
 23 inside that bag and tell us if you recognize what's in there.
 24 Whoops. Sorry.

1 A My shoe.
 2 (PEOPLE'S EXHIBIT NO. 2 WAS INTRODUCED INTO
 3 EVIDENCE.)
 4 Q (Ms. Dalan) Can you pull it out and show the
 5 jurors?
 6 (The witness removed shoe from exhibit bag and held
 7 up for the jurors.)
 8 Q (Ms. Dalan) Thank you.
 9 (Ms. Dalan showed further exhibit to Mr. Sullivan
 10 at counsel table).
 11 Q (Ms. Dalan) [REDACTED] this is People's Exhibit No.
 12 3, a brown paper bag. I ask you to look inside that bag and
 13 tell the jury if you recognize what's inside.
 14 A Yeah, my hair.
 15 (PEOPLE'S EXHIBIT NO. 3 WAS INTRODUCED INTO
 16 EVIDENCE.)
 17 Q (Ms. Dalan) Can you pull that out and show it to
 18 the jury?
 19 (The witness pulled out contents of exhibit bag and
 20 held up for jurors.)
 21 Q (Ms. Dalan) Is that you were wearing that night?
 22 A Yep.
 23 Q And you pulled that off your head in the hospital
 24 room?

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1 A Uh-huh.
 2 Q How -- What -- Who did you give that to? Or, who
 3 collected that for you?
 4 A Dennis Plew and -- I don't remember the other guy's
 5 name.
 6 Q Two policemen?
 7 A Uh-huh.
 8 Q Okay.
 9 Thank you.
 10 (Ms. Dalan showed further exhibits to Mr. Sullivan
 11 at counsel table.)
 12 Q (Ms. Dalan) This is People's 4 [REDACTED] Do you
 13 recognize what's in that picture?
 14 A Uh-huh.
 15 Q What is that?
 16 A The ditch where I got shot at.
 17 (PEOPLE'S EXHIBIT NO. 4 WAS INTRODUCED INTO
 18 EVIDENCE.)
 19 Q (Ms. Dalan) Okay.
 20 People's 5?
 21 A My shoe.
 22 (PEOPLE'S EXHIBIT NO. 5 WAS INTRODUCED INTO
 23 EVIDENCE.)
 24 Q (Ms. Dalan) Do those two pictures look pretty

1 accurate, other than it was nighttime at the time? Actually,
2 it's nighttime -- daytime there.

3 A Yes.

4 Q That's the way your shoe looked down there?

5 A (indicated yes)

6 (Ms. Dalan showed further exhibits to Mr. Sullivan
7 at this time.)

8 Q (Ms. Dalan) This is People's [REDACTED] Do you
9 recognize who that is?

10 A Victoria Walker.

11 (PEOPLE'S EXHIBIT NO. 7 WAS INTRODUCED INTO
12 EVIDENCE.)

13 Q (Ms. Dalan) Okay. Is that pretty much the way she
14 looked that night, or close to it?

15 A She didn't have that hair, but yeah.

16 Q Different hair?

17 A Uh-huh.

18 Q Maybe a different shirt?

19 A Uh-huh.

20 Q Other than that, that looks like her?

21 A Yeah.

22 (Ms. Dalan showed further exhibits to Mr. Sullivan
23 at counsel table.)

24 Q (Ms. Dalan) [REDACTED] This is People's 8. Do you

1 Q This is People's 12? Do you recognize --

2 THE COURT: Excuse me, Ms. Dalan, the last one was
3 what?

4 MS. DALAN: 10, Your Honor.

5 THE COURT: 10. Okay. Thank you. And you're
6 going to 12?

7 MS. DALAN: I'm sorry, it was 9. I apologize. 8,
8 then 9, and now 12.

9 THE COURT: Okay. Thank you.

10 MS. DALAN: Thank you.

11 THE WITNESS: And there's the window that was taped
12 up.

13 Q No. 12 shows the window that was taped up?

14 A (indicated yes)

15 (PEOPLE'S EXHIBIT NO. 12 WAS INTRODUCED INTO
16 EVIDENCE.)

17 Q (Ms. Dalan) Can you see the spot in there that you
18 were hanging on to to try and stay in?

19 A Right -- That part (indicating).

20 Q Okay. Where the tape ends but you can still see
21 red?

22 A Uh-huh.

23 Q And it's between the front door and back door --

24 A Yep.

1 recognize what's in that picture?

2 A Yes, I do.

3 Q What is that?

4 A Victoria's van.

5 Q That's the front of it, the way it looked that
6 night?

7 A Uh-huh.

8 (PEOPLE'S EXHIBIT NO. 8 WAS INTRODUCED INTO
9 EVIDENCE.)

10 Q (Ms. Dalan) People's 9, do you recognize that?

11 A Yep.

12 Q Is that the back of her van?

13 A Yes.

14 Q And it also looked the same?

15 A Uh-huh.

16 (PEOPLE'S EXHIBIT NO. 9 WAS INTRODUCED INTO
17 EVIDENCE.)

18 Q (Ms. Dalan) Can you see the Betty Boop sticker on
19 there?

20 A Yeah, right there (indicating).

21 Q Okay. Upper left-hand corner?

22 A (indicated yes)

23 Q Yes?

24 A Yes.

1 Q -- on that side?

2 Okay.

3 And this is People's 13. Do you recognize the
4 inside?

5 A Yes, I do.

6 Q Is that the front passenger seat where you were
7 originally sitting?

8 A Yes, it is.

9 (PEOPLE'S EXHIBIT NO. 13 WAS INTRODUCED INTO
10 EVIDENCE.)

11 Q (Ms. Dalan) [REDACTED] do all those pictures fairly
12 and accurately show the areas you just said they show?

13 A Yes.

14 Q Thank you.

15 MS. DALAN: Your Honor, I'd move for admission of
16 People's 2, 3, that's the hair, the shoe, and the photographs
17 of 4, and 5, 7, which is Victoria Walker, and 8, 9, 12 and
18 13, the van.

19 THE COURT: Any objection?

20 MR. SULLIVAN: No objection, sir.

21 THE COURT: They're all admitted.

22 (PEOPLE'S EXHIBIT NOS. 2, 3, 4, 5, 7, 8, 9, 12 AND
23 13, HAVING BEEN OFFERED INTO EVIDENCE, WERE ADMITTED, THERE
24 BEING NO OBJECTION BY THE DEFENSE.)

1 (Ms. Dalan showed further exhibits to Mr. Sullivan
2 at counsel table.)

3 Q (Ms. Dalan) [REDACTED] this is People's 17. Do you
4 recognize what's in that picture?

5 A The same hair that she sold, me.

6 Q That's the same hair she showed -- she showed --
7 sold you?

8 A Uh-huh.

9 (PEOPLE'S EXHIBIT NO. 17 WAS INTRODUCED INTO
10 EVIDENCE.)

11 Q (Ms. Dalan) At her house?

12 A Yes.

13 Q The day before?

14 A Yes.

15 MS. DALAN: And, Your Honor, I'd move to admit
16 People's 17 into evidence?

17 THE COURT: Mr. Sullivan?

18 MR. SULLIVAN: No objection, Your Honor.

19 THE COURT: Admitted.

20 (PEOPLE'S EXHIBIT NO. 17, HAVING BEEN OFFERED INTO
21 EVIDENCE, WAS ADMITTED, THERE BEING NO OBJECTION BY THE
22 DEFENSE.)

23 MS. DALAN: Could I have just a second, Your Honor?

24 Your Honor, I have about probably ten more

1 questions. I don't know if you want to break at this point.

2 THE COURT: Go ahead.

3 MS. DALAN: Thank you.

4 Q (Ms. Dalan) Do you remember when the officers came
5 to the hospital and took the hair?

6 A Yes.

7 Q Do you remember them interviewing you and asking
8 you questions about what happened and how you got shot?

9 A Yes.

10 Q Do you remember them showing you pictures?

11 A Yes.

12 Q Had you already told the police who it was that was
13 involved in this?

14 A Yes.

15 Q And you named the two people?

16 A Yes.

17 Q Okay.

18 I'm going to show you People's Exhibit 18. Do you
19 recognize that?

20 A Yes, I do.

21 Q What is that?

22 A The paper that I signed before I seened the photos.

23 (PEOPLE'S EXHIBIT NO. 18 WAS INTRODUCED INTO
24 EVIDENCE.)

1 Q (Ms. Dalan) It pretty much says you can pick
2 anybody out or not pick anybody out?

3 A Right.

4 Q And you understood that?

5 A Uh-huh.

6 Q Okay.

7 This is People's 19. Do you recognize that sheet
8 of paper?

9 A Yep.

10 Q Is that -- Does that -- Does that show the pictures
11 that you were shown that night?

12 A Uh-huh.

13 Q Or, that day actually?

14 A Yep.

15 (PEOPLE'S EXHIBIT NO. 19 WAS INTRODUCED INTO
16 EVIDENCE.)

17 Q (Ms. Dalan) This is People's 20. Do you recognize
18 that?

19 A Yep.

20 Q Is that the picture that you looked -- set of
21 pictures you looked at?

22 A Uh-huh.

23 (PEOPLE'S EXHIBIT NO. 20 WAS INTRODUCED INTO
24 EVIDENCE.)

1 Q (Ms. Dalan) Did you identify anybody in that group?

2 A Yes.

3 Q Who did you identify?

4 A Victoria Walker.

5 Q And by doing so, did you make marks on the paper?

6 A I circled her -- I circled her face, and I signed
7 my name.

8 Q Okay.

9 This is People's 21. Do you recognize that?

10 A Yes, I do.

11 Q And is that the faces that you saw?

12 A Yes, it is.

13 (PEOPLE'S EXHIBIT NO. 21 WAS INTRODUCED INTO
14 EVIDENCE.)

15 Q (Ms. Dalan) This is People's 22. Do you recognize
16 that?

17 A Yes, I do.

18 Q And did you identify somebody on that piece of
19 paper?

20 A Yes, I did.

21 Q Who did you identify?

22 A Anthony Moore.

23 (PEOPLE'S EXHIBIT NO. 22 WAS INTRODUCED INTO
24 EVIDENCE.)

1 Q (Ms. Dalan) And can you see where the marks were on
2 the sheet?

3 A I circled his face and signed my name.

4 Q Nobody told you who to pick out?

5 A (Indicated no)

6 MS. DALAN: Your Honor, we move to admit People's
7 Exhibit No. 18, 19, 20, 21 and 22 into evidence.

8 THE COURT: Mr. Sullivan?

9 MR. SULLIVAN: No objection.

10 THE COURT: Admitted.

11 (PEOPLE'S EXHIBIT NOS. 18, 19, 20, 21 AND 22,
12 HAVING BEEN OFFERED INTO EVIDENCE, WERE ADMITTED, THERE BEING
13 NO OBJECTION BY THE DEFENSE.)

14 Q (Ms. Dalan) He said, "You've been snitching," "You
15 been out there snitching"?

16 A Uh-huh.

17 Q Had you been out snitching?

18 A Well, actually, no, but I said something to my mama
19 about it, and I asked her was there a reward. But I never
20 had plans on snitching on him. But he shot me and left me
21 for dead. So now I have no other choice.

22 Q Okay, so you -- you knew that there was involvement
23 in that armed robbery?

24 A Uh-huh.

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1 Q And you talked to your mom about it?

2 A Uh-huh.

3 Q Okay. Did anybody else know about it in your
4 family?

5 A My brother.

6 Q Okay.

7 A And he was -- He kind of mental. And he went out
8 talking about it, and that's probably how it got out.

9 Q Okay. You don't know for sure, though?

10 A I don't know for sure, right.

11 Q But what you said to your mother was talked about
12 to other people?

13 A Uh-huh.

14 Q You didn't go to the police about it?

15 A No.

16 MS. DALAN: Your Honor, I have no other questions.

17 I don't know if the Court wants me to publish the
18 pictures now or after the break?

19 THE COURT: Why don't we take a break and then
20 we'll -- Are you done with your questioning? It's only the
21 publication of the exhibits?

22 MS. DALAN: Yes, sir, we believe so.

23 THE COURT: Okay.

24 Ladies and gentlemen, let's take ten minutes. It's

1 about two after. So, about twelve after two, assemble

2 outside the courtroom.

3 Leave your notes on your chairs. Don't talk about
4 the evidence.

5 Please watch your step.

6 Miss [REDACTED] you wait there for a moment.

7 (The jurors were excused from the courtroom.

8 The following continued of record.)

9 THE COURT: Okay, Miss [REDACTED] we're going to take
10 a break. You can get up, but you cannot talk about your
11 testimony with either of -- with any of the attorneys during
12 the break. Okay?

13 THE WITNESS: (Indicated yes)

14 THE COURT: Thank you.

15 We're in recess.

16 (The witness left the witness stand, and the Court
17 recessed.)

18 (Upon the Court reconvening, with the defendant and
19 all counsel present, the following was had of record, outside
20 the presence of the jury.)

22 THE COURT: Mr. Sullivan?

23 MR. SULLIVAN: We seem to be moving along quickly.

24 So, rather than bringing the jury back and forth, in and

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1 out -- I wanted to address the matter of Emma Bradley, this
2 next witness.

3 THE COURT: Of what?

4 MS. SULLIVAN: Emma Bradley, I believe, is the
5 witness who you'll be calling after [REDACTED]

6 MS. DALAN: We're going to call a physician because
7 he's here and he's been waiting.

8 MR. SULLIVAN: Okay.

9 I object to Emma Bradley as a witness entirely. I
10 believe that based on what the State has told me, her
11 testimony is going to consist entirely of hearsay.

12 THE COURT: Ms. Dalan?

13 MS. DALAN: Well, she will have observations with
14 regard to when she went to sleep and the fact that her
15 granddaughter was in her house when she went to sleep. She
16 will be able to say I was woken up by my granddaughter.
17 She --

18 THE COURT: Okay. Well, stop.

19 Observations are admissible, hearsay is not.

20 MS. DALAN: She will also make spontaneous
21 utterances, in our opinion, --

22 MR. SULLIVAN: Those are --

23 MS. DALAN: -- that "Ty shot me."

24 THE COURT: So, motion's denied.

1 Mr. Sullivan?

2 MR. SULLIVAN: Your Honor, I believe that those are
3 outside the scope of a spontaneous utterance, given the
4 distance and the time that passed in between the shooting and
5 the statements.

6 THE COURT: You may be right, but she also can
7 testify and -- You asked me to rule that she was absolutely
8 incompetent to testify. She's not. Now, there may be parts
9 of that testimony that you make a motion that I'll sustain.
10 But is she competent as a witness to testify? Ms. Dalan says
11 that she's going to ask about observations. She can testify
12 to observations. She can testify to what she saw.

13 MR. SULLIVAN: Can I ask for a specific ruling as
14 to the statement "Ty shot me"?

15 MS. PHILLIPS: Your Honor, the People can lay a
16 foundation for an excited utterance. That statement would be
17 entirely proper based upon a start- -- preceding a startling
18 event.

19 THE COURT: If -- If they lay a foundation for
20 excited utterance, then she can answer that question. I
21 don't know if it's excited or not yet.

22 MR. SULLIVAN: Thank you, Judge.

23 THE COURT: Okay.

24 (Upon the jurors being brought into the courtroom,

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1 and with the defendant and all counsel present, and the
2 witness, Miss [REDACTED] having retaken the witness
3 stand, the following continued of record.)

4 THE COURT: Thank you.

5 And, Mr. Sullivan, the State's moved for
6 publication of the exhibits that have been admitted -- or,
7 actually, the photos that have been admitted.

8 Any objection?

9 MR. SULLIVAN: No, Your Honor.

10 THE COURT: So, ladies and gentlemen, Ms. Dalan is
11 going to hand one of you a stack of photos. Look at one,
12 pass it down so we're all looking at photos at the same time.
13 But take all the time you want, and then we will collect them
14 at the end.

15 Ms. Dalan.

16 MS. DALAN: Thank you, Your Honor.

17 (Ms. Dalan handed said exhibits to the jurors; and
18 upon their perusal of same, the following continued of
19 record.)

20 MS. DALAN: Could I ask one more question, Your
21 Honor, on direct?

22 THE COURT: I'm sorry?

23 MS. DALAN: Could I ask one more question?

24 THE COURT: Yes.

1 MS. DALAN: Thank you.

2

3 (Further) DIRECT EXAMINATION

4 BY MS. DALAN:

5 Q [REDACTED] the picture that I showed you of the
6 Nubian hair, is that what she sold you or showed you?

7 A Sold.

8 Q Sold you?

9 A Uh-huh.

10 Q Okay.

11 A That's the hair that's in the brown bag.

12 Q Okay. That's the kind that she -- that she sold
13 you?

14 A Uh-huh.

15 Q Okay. What she actually sold you, one of those
16 is --

17 A Two bags.

18 Q Okay. And both of them are Nubian?

19 A Yes.

20 Q What happened to the other bag?

21 A What other bag?

22 Q Didn't she sell you two bags?

23 A Yeah, she put both bags in. That's both the bags
24 in the bag.

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1 Q Okay. Thank you.

2 MS. DALAN: I apologize, Your Honor, that was more
3 than one.

4 Thank you.

5

6 THE COURT: Is that the conclusion of your direct?

7 MS. DALAN: It is, Judge.

8 THE COURT: Would you give the exhibits to the
9 clerk, please?

10 MS. DALAN: Yes.

11 (Ms. Dalan handed said exhibits to the clerk.)

12 THE COURT: Thank you.

13 And then, Mr. Sullivan?

14 MR. SULLIVAN: Thank you, Judge.

15

16 CROSS EXAMINATION

17 BY MR. SULLIVAN:

18 Q Good afternoon, Miss [REDACTED] How are you?

19 A I'm fine.

20 Q My name is Patrick Sullivan. I represent Anthony,
21 and I'm just going to ask you a few questions.

22 Do you remember me from previous hearings?

23 A Yes, I do.

24 Q So, I'm going to go over almost line by line some

210

212

1 of the stuff that the State just asked you, and I'm just
2 going to ask you to answer honestly.

3 You said that you're sixteen?

4 A Yes.

5 Q When is your birthday?

6 A My birthday is [REDACTED]

7 Q Sure. And you just -- So you just turned [REDACTED]

8 A Yes.

9 Q So, on [REDACTED] you were [REDACTED]

10 A Yes.

11 Q Okay. And you met Anthony when you were how old?

12 A U-mm, we grew up together.

13 Q Uh-huh.

14 A And his grandmother stayed nextdoor to my
15 grandmother, and we basically grew up together. But I've
16 known him personally since I was at least twelve or thirteen.

17 Q Twelve or thirteen. So for about [REDACTED] years?

18 A Okay, we communicated.

19 Q Uh-huh.

20 A And we grew up together. I know some of his
21 cousins. He know some of my cousins. And my grandma's
22 grandkids and his grandma's grandkids grew up together and we
23 played together.

24 Q Uh-huh.

211

1 A Some days we fight, but we make right back up.

2 Q Uh-huh.

3 A And that's how I know Anthony.

4 Q I'm just trying to figure this out. I didn't know
5 what you meant when you said you've known him since you were
6 thirteen, twelve or thirteen, but you grew up together.

7 A Right.

8 Q Okay.

9 So, you testified earlier that when you went over
10 to Victoria's house, there were hair, eyelashes and hair glue
11 all over the place?

12 A I never said all over the place.

13 Q Okay.

14 A But it was in her room, in her dresser drawers.

15 She had -- the first drawer was hair and hair glue and
16 eyelashes. The second drawer was like necklace, bracelets
17 and earring sets.

18 Q Uh-huh.

19 A It was just like beauty supply items that you would
20 see at a beauty supply store.

21 Q Sure. Why did you need to go to the store then to
22 buy a bunch of hair glue?

23 A Because I didn't know she had hair glue.

24 Q But she was with you?

1 A Right. And she didn't -- she never said it.

2 Q Okay. Okay.

3 So, when -- You walked into Victoria's house right
4 after that, right? You said there were boxes and stuff
5 everywhere?

6 A Right after what?

7 Q Right after the store.

8 A Right.

9 Q Then you go back to Victoria's house, right?

10 A Right.

11 Q And there are boxes of stuff all over the place?

12 A I seen boxes in the kitchen and --

13 Q Where else?

14 A The rest of the items was not in boxes. It was
15 placed in her dresser drawers?

16 Q Okay. Okay. Did it look like she was trying to
17 hide all that stuff?

18 A Maybe.

19 Q Maybe? Okay.

20 You mentioned something about a reward, right?

21 A Right.

22 Q How much was the reward for?

23 A I'm not sure. I never got it.

24 Q But you were -- you were looking for a reward if

213

1 you turned in whoever did the UPS robbery?

2 A I wasn't looking for a reward. I wasn't looking on
3 telling on who did it.

4 Q Uh-huh.

5 A I asked my mother about it and did she hear
6 anything about it. And when I asked her, my oldest -- my
7 third oldest brother was around, and he went to school and
8 started talking about it to all of his friends.

9 Q So, when the State asked you had you been
10 snitching, do you remember what you just said?

11 A Right.

12 Q You said no?

13 A Right.

14 Q Okay, so that means you hadn't told anybody about
15 the UPS thing?

16 A Right.

17 Q But then you said you told your mom?

18 A And just like I told them, I told my mom.

19 Q I'm just getting -- I'm just asking.

20 And then you said you told your mom?

21 A (indicated yes)

22 Q But you didn't --

23 A I asked my mom did she hear anything about a UPS
24 robbery.

218

1 when I take them.

2 Q Is it because you were in jail?

3 A No.

4 Q The day before you were over at Victoria's?

5 A I stopped -- I stopped taking [REDACTED] before this
6 even occurred.

7 Q Okay. But before -- right before this even
8 occurred, you were in jail?

9 A Right.

10 Q Okay. Would that have been available in jail? Did
11 you ask for it at all?

12 A No.

13 Q Okay.

14 So, let's go to -- Let's go to the point where you

15 -- where you say you were in the car with Victoria. Okay?

16 Was she smoking while you are guys were driving out there?

17 A No.

18 Q No?

19 A (indicated no)

20 Q Okay. You said she lit a cigarette later. Do you
21 know what kind of cigarettes she smokes?

22 A Newport.

23 Q She smokes Newports? Okay.

24 So, you said that Anthony ripped you out of the

219

1 car, right?

2 A Right.

3 Q Okay. And then threw you into a ditch?

4 A Right.

5 Q Okay. And then shot you, shot you, shot you, one
6 of them missed, one hit you in the head. What was the order?

7 It was -- What was the first? How were you standing when
8 the first one hit?

9 A I was standing face -- like my back was faced
10 towards him.

11 Q Okay.

12 A The first shot, it was my back.

13 Q Okay. Second one?

14 A No, the first shot, I didn't feel it. The second
15 shot, it was my back.

16 Q Uh-huh.

17 A Then he shot again, it was my head, and that's when
18 I just dropped like I was dead.

19 Q Okay. Do you remember when the first time that you
20 told anyone that you had been ripped out of the car was?

21 A I never said I was ripped out of the car. First,
22 he was trying to snatch me out of the car, but I was holding
23 on to the car door. Not the car door but the middle part
24 between the back door and the front door. And the last time

220

1 that he tried to snatch me, he pulled me harder, and that's
2 when I let go. And I landed on the sidewalk, and he pushed
3 me into the ditch.

4 Q Now, is that what you told police that night?

5 A I never talked to the police. All I told them, it
6 was Victoria Walker that picked me up and Anthony Moore that
7 shot me and that I went to the hospital.

8 Q Okay. But you talked to the police that night,
9 didn't you?

10 A Right. That -- And I told --

11 Q Okay, one second. I'm going to ask you a question
12 first.

13 So, you talked to the police that night, right?

14 A When I called.

15 Q You called for an ambulance and you called for the
16 police, right?

17 A I dialed 911, right.

18 Q And then the police came before the ambulance,
19 correct?

20 A They arrived almost the same time.

21 Q Just yes or no is going to be fine.

22 A No.

23 Q The police came --

24 A No.

221

1 Q The police didn't come before the ambulance?

2 A No.

3 Q The ambulance came first.

4 A They arrived at the same time.

5 Q Okay. Okay. So they arrived at the same time, and
6 then the ambulance started checking you?

7 A Right.

8 Q And the police started asking you questions?

9 A The police asked me do you know who done it.

10 Q Hold on. We're going to get to that in just a
11 second. Okay? I'm just asking you yes or no questions for
12 now. Okay?

13 So, were you wearing a shirt when they interviewed
14 you?

15 A No.

16 Q Because they were giving you medical attention on
17 your back?

18 A I had tubes in my side.

19 Q Okay. Now, when the police were interviewing you,
20 did you say that you exited the van and started running, that
21 that's how you got out of the van?

22 A I never said that.

23 Q Okay.

24 Then did you say that you heard multiple gunshot

222

224

1 wounds [sic] behind you?

2 A I never said that.

3 Q Okay. Then did you say that you started running to
4 your residence and when you got there you realized you had
5 been shot?

6 A I never said that.

7 Q Okay. Then did you say that you never saw a gun?

8 A I never said that. I said I never seen Victoria
9 with a gun.

10 Q But you didn't say, "I never saw a gun"?

11 A I never said I didn't see a gun. I said I didn't
12 see Victoria with a gun.

13 Q Oh, okay. I'm just asking you if that's what you
14 said or not. Okay?

15 So, earlier you just gave a pretty detailed
16 description of what happened?

17 A Right.

18 Q Okay. But when Captain Landmann interviewed you
19 immediately after this happened, none of that is what you
20 said?

21 A Right.

22 Q Okay. You testified about the photo ID of when you
23 identified Mr. Walker. Do you remember --

24 A Mr. Moore?

223

1 Q I'm sorry. I apologize, Mr. Moore.

2 When you identified Anthony, you said that nobody
3 told you who to identify. Do you remember the officer
4 saying, and I'm paraphrasing, bear with me, "I know that you
5 already know Anthony Moore and Victoria Walker, but let's go
6 ahead and do this photo ID anyway," right before he showed
7 you the two pictures of them?

8 A No.

9 Q You don't remember him saying that?

10 A No.

11 Q Okay. But right after that, you identified
12 Anthony?

13 A Yes.

14 Q Okay. So -- Okay.

15 Earlier when Ms. Dalan was asking you questions,
16 you said you realized that you were shoeless when you got
17 home, right?

18 A Uh-huh.

19 Q But then a little bit later, she showed you a
20 picture of that shoe out into that ditch, didn't she?

21 A Uh-huh.

22 Q Do you remember what you said?

23 A That that was my shoe.

24 Q Sure. She asked you, "And that's the way that your

1 shoe looked out on that scene?" Do you remember what you

2 answered?

3 A Yes.

4 Q Yes?

5 A (indicated yes)

6 Q How did you stop and look to see if that's what
7 your shoe looked like --

8 A Because --

9 Q One second, I'm almost done.

10 How did you know what your shoe looked like out

11 there if you didn't even realize that you had lost your shoe

12 until much later, when you got home?

13 A Because when I got home, I had one shoe on and one
14 shoe off. And the whole time -- oh, maybe it's over there,
15 and I'm not going back to get it.

16 Q Uh-huh. But she asked you if that's how your shoe
17 looked out there, as if you had seen it.

18 A Before she even showed me the shoe, when she asked
19 me about my shoe, I described the name of my shoe, the color
20 of my shoe and how it looked.

21 Q You follow my question, though? She asked you if

22 that's where it was, for example. She asked you if that's

23 how it looked while it was out there.

24 A I don't know how it looked, but I know I left it

225

1 there.

2 Q I'm just doublechecking, because when she asked you
3 that question, you just said yes, and I'm wanting to know if
4 I need to be more specific with my questions.

5 So, cell phones. You said that Victoria had a cell
6 phone, right?

7 A Uh-huh.

8 Q Did you see her texting at all while she was
9 driving you around?

10 A No.

11 Q No?

12 A No.

13 Q What kind of cell phone did she have?

14 A It was a flip phone.

15 Q It was a flip phone like one of those earlier
16 phones? It wasn't an iPhone or anything like that?

17 A No.

18 Q So, at first, do you remember when -- what -- why
19 you said you snuck out your window when Victoria was picking
20 you up?

21 A Because it was already after 12:00 and I somewhat
22 have a curfew.

23 Q Okay. Somewhat have a curfew? Or, you just have a
24 curfew?

226

228

1 A Somewhat have a curfew.
 2 Q Well, that's not what you said. What did you say
 3 was the real reason?
 4 A Because I didn't want to wake my grandma and my
 5 uncle up.
 6 Q But we know that's not the real reason, was it?
 7 A That's the real reason because if they would have
 8 woke up, I wouldn't have went out the house.
 9 Q So, the real reason is you didn't want to get in
 10 trouble?
 11 A Okay. Whatever you say. I guess so.
 12 Q Okay. It's a legitimate question.
 13 Did you sneak out the window because you didn't
 14 want to get in trouble?
 15 A I went out the window because I didn't want to wake
 16 my grandma up.
 17 Q Because if she woke up, you'd be in trouble?
 18 A No, but she'd just tell me to go back to bed.
 19 Q Okay. Yeah.
 20 So now, you testified that Victoria was smoking,
 21 and that you were facedown in a ditch pretending to be dead.
 22 And I'm sorry about this, I know that it's possibly painful
 23 to relive this, but I got to ask you some questions about
 24 it. That's why we're here. So, I apologize if I'm boring

227

1 you or if I'm upsetting you. Okay?
 2 You said that Victoria never moved?
 3 A Right.
 4 Q Okay, that you're on the side of van away from her.
 5 You said she never moved and that she never moved the car.
 6 How -- How can you know this? Is this just you saying yes to
 7 whatever the State's Attorney asked you?
 8 A She lit the cigarette before he snatched me out the
 9 van. She stayed in that position in that spot the whole
 10 time, until the last time when we shot me in my head and I
 11 fell, and she said, "Come on, Ty. She dead. She dead. Come
 12 on." And they left. When they left, I crawled up out the
 13 ditch, I looked around, and I ran home.
 14 Q I know that that's the story that you told police
 15 later on once you were in the hospital. I'm asking you about
 16 the story that you told police right after the incident.
 17 A I never told the police nothing besides they drove
 18 off and that it was them.
 19 Q He didn't stay and ask you any more questions?
 20 A No, he didn't have time to.
 21 Q Okay.
 22 So, have you ever lived with Victoria Walker for an
 23 extended period of time?
 24 A Yes.

1 Q How long?
 2 A For about three months. Three to four months.
 3 Q Did she take care of you?
 4 A No, she never took care of me, but --
 5 Q Did she, for example, supply you with alcohol free
 6 of charge?
 7 A Uh-huh.
 8 Q Yeah. What about weed?
 9 A Uh-huh.
 10 Q What about pills?
 11 A Uh-huh.
 12 Q Okay. Did you guys have a sexual relationship?
 13 A Yep.
 14 Q Ongoing?
 15 A Yep.
 16 Q Not to get too personal with you, but how many
 17 incidents would you say?
 18 A Too many to count on my fingers and toes.
 19 Q Every other day for two or three years?
 20 A Uh-huh.
 21 Q Do you love her?
 22 A Not no more.
 23 Q But you did?
 24 A I did.

229

1 Q Okay. Were you aware that Victoria was also in a
 2 relationship with Anthony?
 3 A Yes, I did.
 4 Q Okay. How did you feel about that?
 5 A I didn't care.
 6 Q You didn't care?
 7 A No.
 8 Q Never had crossed your mind?
 9 A No.
 10 Q You never thought about it?
 11 A No.
 12 Q Okay.
 13 One further question. Did you actually see anybody
 14 shoot you?
 15 A Yes, I did.
 16 MR. SULLIVAN: No further questions.
 17
 18 REDIRECT EXAMINATION
 19 BY MS. DALAN:
 20 Q [REDACTED]
 21 MS. DALAN: Could I? I'm sorry.
 22 THE COURT: (Indicated yes)
 23 MS. DALAN: Thank you.
 24 Q (Ms. Dalan) [REDACTED] do you remember using the word

230

232

1 "snatched" when people were asking you how it happened?

2 A Yes, I do.

3 Q You don't remember using the word "ripped" you out

4 of the car?

5 A No, I don't.

6 Q And you never saw Victoria with a gun?

7 A Never.

8 Q You never had the sense, or saw her get out of the

9 van?

10 A Never.

11 Q You only heard her say the one thing about

12 "she dead," "bitch dead," or whatever?

13 A Uh-huh.

14 Q Do you remember the police and ambulance coming to

15 the house?

16 A Yes, I do.

17 Q Do you remember your shirt being off at the house?

18 A Yes, I do.

19 Q Why did you take the shirt off?

20 A Because when I jumped through my window and grabbed

21 the phone to call the ambulance, she told me to put the towel

22 wherever the blood was coming from. And I took my shirt and

23 my pants off. And I was also soaking wet from being thrown

24 in the ditch.

231

1 Q There was water in the ditch or mud?

2 A Yes. And I took my shirt and my pants off. And I

3 actually went to the hospital naked, wrapped in a blanket.

4 Q When you say she told you this, who was she?

5 A I don't know who she was, but it was a lady on the

6 phone that was taking my call.

7 Q Okay. When you called the police?

8 A When I dialed 911.

9 Q Okay.

10 Now, Mr. Sullivan, who just asked you questions,

11 asked you about the names Anthony Moore and Victoria Walker,

12 when you saw the video -- the photographs in the hospital?

13 A Uh-huh.

14 Q Did they give you those names or had you already

15 given them those names?

16 A I -- When I called the ambulance, I gave their

17 names. When I got to the hospital, I gave their names, and

18 before I -- when I seen the photo lineup, I told -- I told

19 the officer that's Victoria Walker and that's Anthony Moore.

20 And the picture that I seen with Anthony, he had a haircut

21 with some dreads hanging, but I told him that's him but his

22 hair not like that no more.

23 Q And the picture we just showed you, he had the

24 dreads?

1 A Yes.

2 Q That's not the way he looked when this happened?

3 A When he shot -- Right.

4 Q And you told the officer that?

5 A Yes.

6 Q What was your state of mind, [REDACTED] when you got

7 back to your grandma's house, to your house? Can you

8 describe how you felt?

9 A I was kind of freaked out. I was kind of panicked.

10 And then at the same time, I was trying -- kind of scared to

11 wake my grandma up to me being shot.

12 Q Uh-huh. Why were you scared to wake your grandma

13 up?

14 A Because I didn't know what -- how she would react

15 to it or, you know, how she would feel. And just like she

16 told me when I woke her up, she almost had a heart attack.

17 Q So, when you were talking to her and waking her up,

18 you were pretty upset?

19 A (indicated yes)

20 Q [REDACTED] after you got back home -- well, when you

21 were running back home, did you see them in the van at all?

22 A No.

23 Q Did you know where they had gone to?

24 A No.

233

1 Q Did you have any idea if they would have come after

2 you?

3 A No.

4 Q How about when you got back to your house? Did you

5 have any idea --

6 A (indicated no)

7 Q Do you know how long it took for the police and

8 ambulance to get to the house?

9 A Like seven minutes.

10 MS. DALAN: That's all I have, Your Honor.

11 Thank you.

12

13 THE COURT: Mr. Sullivan?

14

15 RECROSS EXAMINATION

16 BY MR. SULLIVAN:

17 Q I'm sorry to put you through this, [REDACTED] I just

18 have a few more questions. Okay?

19 From the time you said the shooting occurred to the

20 time you got to your house and you were able to call 911, how

21 much time passed?

22 A Five minutes.

23 Q Five minutes. How far do you live from that

24 bridge?

234

1 A Four streets.

2 Q Four streets over, five minutes?

3 A (Indicated yes)

4 Q And then you couldn't get in right away, so you
5 started banging on the door?

6 A When I first got there, I was banging on the door.
7 I didn't get in, so I jumped through my window (crying).

8 Q Okay.

9 MR. SULLIVAN: No further questions, Judge.

10

11 THE COURT: Ms. Dalan?

12

13

REDIRECT EXAMINATION

14 BY MS. DALAN:

15 Q [REDACTED] that five minutes it took you to get home,
16 were you walking or were you running?

17 A I was running.

18 Q As fast as you could?

19 A Yes.

20 MS. DALAN: That's all I have, Your Honor.

21

22 THE COURT: Thank you, ma'am. You can step down.
23 Watch your step, please.

24 (The witness was excused from the witness stand.)